# INVESTIGATIVE SUMMARY

**INVESTIGATIVE SUMMARY**
**USE OF FORCE - PERSONAL WEAPONS**
**IAB CASE NUMBER FO2286999**
**URN NUMBER 911-00209-5120-145**

On February 23, 2011, at approximately 1958 hours, Deputy Sexton was working in the booking front area at Inmate Reception Center. He was processing newly arrived inmates in the "Un-cuff" cell when Inmate Mencia refused to follow instructions. Deputy Sexton asked Inmate Mencia if he understood English. Inmate Mencia looked at Deputy Sexton and responded "Fuck you deputy, it's on." Fearing Inmate Mencia would either incite the other unsecured inmates or become physically assaultive, Deputy Sexton approached Inmate Mencia and told him to face away from him and place his hands behind his back. Inmate Mencia replied "Fuck you, I'm going to kick your ass!"

Deputy Sexton attempted to gain control of Inmate Mencia by placing him in a rear wrist lock, in order to escort him to an isolation cell. Inmate Mencia became combative, spun around towards him and punched him in his right shoulder, knocking him back into a line of unsecured inmates. In order to stop Inmate Mencia from attacking him, Deputy Sexton hit the inmate six to eight times in the face which caused him to fall to the ground. Inmate Mencia got up from the ground, lunged toward Deputy Sexton and wrapped both of his arms around Deputy Sexton's waist, in an attempt to take Deputy Sexton to the ground. In order to avoid being taken to the ground by the inmate, Deputy Sexton grabbed Inmate Mencia's head and struck him in the face two times with his knee. Inmate Mencia immediately fell to the floor. Suspect Mencia continued fighting and attempted to get back onto his feet.

Because of the small size of the "Un-Cuff" Cell, several deputies saw or heard the fight and responded to assist Deputy Sexton. They ordered Inmate Mencia to stop fighting. Inmate Mencia refused, and continued fighting with deputies who were trying to handcuff him. Deputies Ingersoll and [redacted] were struggling with Inmate Mencia as he was trying to strike them with his elbows, Deputy Sexton hit Inmate Mencia two times on his right shoulder with his flashlight. The strikes allowed deputy personnel to gain enough control to position Inmate Mencia on his stomach although he continued to struggle. Deputy Sexton dropped down on both knees and hit Inmate Mencia10-15 times with palm strikes on his face and head.

Deputy Ingersoll attempted to gain control of Inmate Mencia's right arm but was unsuccessful due to Inmate Mencia's kicking and swinging. Deputy Ingersoll struck Inmate Mencia five to ten times with his right fist on the right side of his torso. As a result, Deputy Ingersoll was able to gain control of Inmate Mencia's right arm and place it behind his back. Inmate Mencia continued to struggle. In spite of one of Inmate Mencia's arms being behind his back, he began to thrash his upper torso and try to head butt deputies who were struggling with him on the floor.

Inmate Mencia continued fighting, swinging his arms and attempting to kick assisting deputies. Sergeant [redacted] who was present during the entire incident, directed Deputy [redacted] to pepper spray Inmate Mencia in order to deal with his behavior. Inmate Mencia continued to fight until he was pepper sprayed with a second burst of O.C. Spray. Deputies were able to handcuff Inmate Mencia. Because Inmate Mencia continued to move and kick his legs, a Hobble Restraint Device was applied to Inmate Mencia's legs. Inmate Mencia complied, and was transported to an isolation cell pending treatment from IRC medical staff.

Inmate Mencia was transported to the IRC Clinic and treated by IRC medical staff for injuries to his nose and mouth.

**IAB Note: See Exhibit "A" for Inmate Injury/Illness Report**

On February 24, 2011, Inmate Mencia was transferred to LCMC where he was further evaluated and treated for a broken nose, wired mouth, broken tooth, and collapsed lung. On February 28, 2011, Inmate Mencia was returned to IRC and housed at CTC. On March 1, 2011, Inmate Mencia was released form IRC via a bond.

**IAB Note: See Exhibit "B" for digital photographs depicting Inmate Mencia's injuries.**

## INVOLVED PERSONNEL

**SEXTON,** James, Deputy Sheriff, #[redacted]
Custody Operations Division
Custody Investigative Services

### Work History

Date of Employment: 02/11/08
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] #[redacted]
Correctional Services Division
Inmate Reception Center

### Work History

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]

Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

**INGERSOLL**, Taylor #[redacted]
Correctional Services Division
Inmate Reception Center

**Work History**

Date of Employment: 02/20/2008
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] #[redacted]
Correctional Services Division
Inmate Reception Center

**Work History**

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

**SUSPECT**

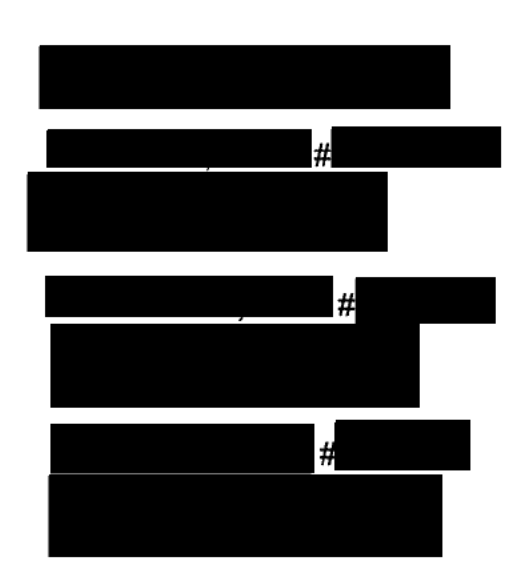
**MENCIA**, Cesar #2652416
[redacted]

**SWORN WITNESS**

**PETERSON,** James #[redacted]
Correctional Services Division
Inmate Reception Center

**INMATE WITNESSES**


[redacted] #[redacted]



[redacted]

[redacted] # [redacted]

[redacted] # [redacted]

[redacted] # [redacted]

**INJURIES**

Suspect Mencia sustained a broken nose, broken tooth, collapsed lung, various abrasions. Deputy Sexton sustained a contusion to his shoulder and Injured his right hand.

**PHYSICAL EVIDENCE**

> **IAB Note: See Exhibit "C" for one compact disk containing videotape of I/M Mencia's demeanor at scene of incident.**

**INVESTIGATOR OBSERVATIONS**

IAB Investigators inspected photographs and video of Inmate Mencia's injuries. The injuries appear to be consistent with statements received from involved deputies during Force Review.

**WEAPONS USED BY DEPUTY PERSONNEL**

While involved in this force incident with Inmate Mencia, Deputy Sexton used personal weapons and his duty flashlight, Deputies Ingersoll, and Intertas used personal weapons, and Deputy [redacted] used pepper spray.

**WEAPONS USED BY THE SUSPECTS**

While involved in this force incident with IRC Deputies, Suspect Mencia was uncooperative

and resistive. He used personal weapons (hands and feet) as he struggled and fought with the deputies.

## PROPERTY DAMAGE

None

## CRIMINAL INVESTIGATOR/CHARGES FILED

At the time this case was submitted, the filing of criminal charges were pending.

## LIGHTING AND WEATHER CONDITIONS

The incident occurred Inside of Inmate Reception Center. The area was well illuminated by bright lights.

## INVOLVED EMPLOYEE STATEMENTS

**SEXTON,** James

Deputy James Sexton was interviewed on July 8, 2011, in an interview room at the Internal Affairs Bureau office by Sergeants Brenda Parker and Frederick Reynolds. The interview was audio recorded.

Deputy Sexton said that on February 23, 2011, he was CARPing, and assigned to work Inmate Reception Center. He said while working the "Un-cuff" cell in the booking front area, he said he and approximately eight to twelve deputies and a sergeant were running the initial line of 100 to 110 unsecured inmates to search for contraband. He said he immediately recognized that Inmate Mencia was going to be a problem. He said Inmate Mencia was very fidgety, he was swaying back and forth, sweating, staring at deputies, and not following instructions. He said he told Inmate Mencia to move closer to the inmate in front of him. He said Inmate Mencia refused to follow his instructions and gave him a menacing glare. Deputy Sexton said he asked the inmate if he understood English and he responded "Fuck you deputy, it's on."

Deputy Sexton said he perceived Inmate Mencia's body language and comments as a threat towards him. He said he gave the inmate another opportunity to comply, but he refused. Deputy Sexton said he told Inmate Mencia to face away from him and place his hands behind his back. He said the inmate replied "Fuck you, I'm going to kick your ass!" Deputy Sexton said he grabbed Inmate Mencia's wrist in an effort to place him in a rear

wrist lock control and escort him to an isolation cell. He said the moment he grabbed the inmate's wrist, he spun around and "threw a vicious punch" toward his face. Deputy Sexton said he ducked but was hit in the shoulder by Inmate Mencia.

Deputy Sexton said there were approximately fifteen inmates behind him. He said he fell back into the inmates as a result being hit by Inmate Mencia. Deputy Sexton said he punched Inmate Mencia six to eight times in the face and caused him to fall down. He said the inmate jumped back up and tried to tackle him by putting his arms around his (Deputy Sexton's) waist. He said Inmate Mencia held him around his waist and pushed him back into the wall. Deputy Sexton said he shoved Inmate Mencia away from him, grabbed the inmate's head, and kneed him in his head two times. Deputy Sexton said the inmate fell down, landing on his buttocks. He said Inmate Mencia continued to fight, "throwing elbows," kicking his feet, and trying to get up from the floor.

Deputy Sexton said the "Un-Cuff" Cell was so congested that the responding deputies were seconds away and were in his area of the cell assisting him before he was able to transmit emergency traffic via his radio.

**IAB Note: The "Un-Cuff" Cell is a large room the holds approximately 110 inmates and eight deputies. Because of the set up of the room, each deputy has at least one other deputy in his line of sight at all times. There are also deputies outside of the cell, in the hallway in order to direct inmates into the search cell which is located next to the "Un-Cuff" Cell.**

He said his back-up arrived and began to try to gain control of Inmate Mencia's arms in order to handcuff him. He said Inmate Mencia continued to fight, not allowing deputies to handcuff him. Deputy Sexton said he hit Inmate Mencia on his shoulder and ribs with his flashlight in order to stop him from fighting. He said the flashlight strikes caused Inmate Mencia to get back down on the ground allowing the other deputies to restrain him. Deputy Sexton said he put his flashlight away because the inmates positioning caused him not to be able to strike vital areas. He said he delivered palm strikes and hammer fists to the side of Inmate Mencia's face. He said they were able to get Inmate Mencia down on his stomach. He said that after the palm strikes, Inmate Mencia still did not want to give up his hands and was able to push his body up from the ground with about four deputies trying to restrain him.

Deputy Sexton said he heard Sergeant Peterson direct someone to pepper spray and hobble Inmate Mencia. He said Inmate Mencia was sprayed at least twice before they were able to get him under control and handcuffed. Deputy Sexton said Inmate Mencia continued to kick his legs and was hobbled by the deputies.

**IAB Note: See Exhibit "D" for Diagram of the un-cuff cell, authored by Deputy Sexton, of where incident occurred.**

[redacted]

Deputy [redacted] was interviewed on June 28, 2011, in an interview room at the Internal Affairs Bureau office by Sergeants Brenda Parker and David Bly. The interview was audio recorded.

Deputy [redacted] said that on February 23, 2011, he was in the un-cuff cell at IRC, giving instructions to the inmates on how to act and behave when they exit the un-cuff cell and preparing them to be searched for contraband in the search tanks which are located next to the un-cuff cells. He said while giving instructions, he was keeping an eye on all of the Inmates as they were walking out to the search tanks. He said he was making sure their hands were by their sides, and their eyes were looking at the floor. He said he was going toward the back of the cell and he heard a commotion that sounded like an inmate that was not following instructions. He said he looked toward the back of the cell, past the crowd of inmates who were standing in the middle. He said he saw deputies trying to restrain an inmate "Who was not going along with the program." He said as he ran over to the incident, "they were taking him down." He said he saw Deputy Sexton hit Inmate Mencia approximately 10-12 times in the face and back of the head with an opened palm.

Deputy [redacted] said he told the inmates that were in the immediate vicinity to "Get down and get their eyes on the floor, sit on the floor." He said once he got the inmates under control, he ran over to the area where the inmate was being disruptive. He said when he arrived, the inmate was on the ground kicking his legs around as if trying to push himself up from the ground. He said he put his body weight and knees on top of Inmate Mencia's legs to keep him down on the floor and to help the other deputies put the inmate's hands behind his back. He said they were able to get the inmate down on the floor, chest down. He said he and the other deputies gave Inmate Mencia several orders to stop fighting but he refused. Deputy [redacted] said Inmate Mencia continued to struggle, yell, and scream random verbiage such as "Fuck this, fuck that."

Deputy [redacted] said as he and the other deputies struggled to handcuff Inmate Mencia, he heard Sergeant Peterson say "Spray him, spray him." He said that after the inmate was sprayed, he still didn't comply right away. He said the inmate kept kicking and trying to get to his feet. He said Inmate Intertas stuck his hands under his torso area and would not allow the deputies to handcuff him. Deputy [redacted] said that the best thing he could do was to use force with his hands to yank the inmates hand from underneath his body in order to handcuff him. He said he placed handcuffs on both of Inmate Mencia's wrists without further incident.

Deputy [redacted] said he, Deputy Ingersoll and Deputy Sexton picked Inmate Mencia up and

escorted him to an isolation cell in the presence of Sergeant Peterson.

**INGERSOLL**, Taylor

Deputy Taylor Ingersoll was interviewed on June 28, 2011, in an interview room at the Internal Affairs Bureau office by Sergeants Brenda Parker and David Bly. The interview was audio recorded.

Deputy Ingersoll said that on February 23, 2011, he was outside of the un-cuff cell at IRC, providing security in the hallway as the newly booked inmates walked out of the "Un-Cuff" Cell into the hallway. He said he heard a commotion going on inside the un-cuff cell from the hallway. He said due to the volume of inmates, he could not clearly see inside from his position, so he ran inside of the un-cuff cell. He heard deputies yelling "Get on the ground, get on the ground," to all of the inmates who were inside the un-cuff cell. He said he then saw Deputy Sexton and Deputy [redacted] involved in a fight with an inmate.

Deputy Ingersoll said he immediately ran over to the fight and saw the suspect on the ground. He said Deputy [redacted] was trying to gain control of the inmate's left hand. He said the inmate was trying to push off of the ground, swinging his arms, and trying to assault Deputy Sexton. Deputy Ingersoll said he attempted to grab the inmate's right hand. He said Deputy Sexton struck the inmate ten to fifteen times with an open palm, striking the inmate in the face. He said Deputy [redacted] was attempting to grab the inmate's left hand and he was attempting to grab the inmate's right hand at which point the inmate broke free of his grip. Deputy Ingersoll said he struck Inmate Mencia five to ten times with his fist on the right side of his torso. He said Inmate Mencia's hand went limp, and he was able to gain control of Inmate Mencia's right hand before he started fighting again.

Deputy Ingersoll said he was on the right side of Inmate Mencia when he smelled O.C. spray. He said the spray did not seem to have any effect on the inmate. Deputy Ingersoll said Inmate Mencia continued to move around and fidget, preventing them from handcuffing him. He said he heard Sergeant Peterson say "Spray him again." He said the inmate was sprayed in the face and they were able to handcuff him and he stopped fighting.

Deputy Ingersoll said that he and Deputy [redacted] escorted Inmate Mencia to an isolation cell under the supervision of Sergeant Peterson.

[redacted]

Deputy [redacted] was interviewed on July 13, 2011, in an interview room at the Internal Affairs Bureau office by Sergeants Brenda Parker and Sonja Bracken. The interview was audio recorded.

Deputy [redacted] said that on February 23, 2011, he was in the back corner of the un-cuff cell at IRC, directing inmates out of the cell. He said as they walked along with their left shoulders on the wall, he heard a scuffle behind him. He said he turned around and saw deputy personnel fighting with an unknown inmate, who was later identified as Inmate Mencia. He said there was approximately 100 to 110 inmates in the un-cuff cell who were un-handcuffed and unsecured. Deputy [redacted] said in order to help prevent a riot situation, he ordered all mates down on the ground and not to move. He said he could not immediately get to the deputies to assist them because he had to make sure the inmates were down.

Deputy [redacted] said when the inmates were secured, he stepped around them and responded to the fight. He said when he "got" to Inmate Mencia, he heard Sergeant Peterson order him to spray Inmate Mencia. He said he removed his O.C. spray and "got" down by Inmate Mencia's facial area. He said Inmate Mencia was still actively trying to get off the ground and he was kicking his legs.

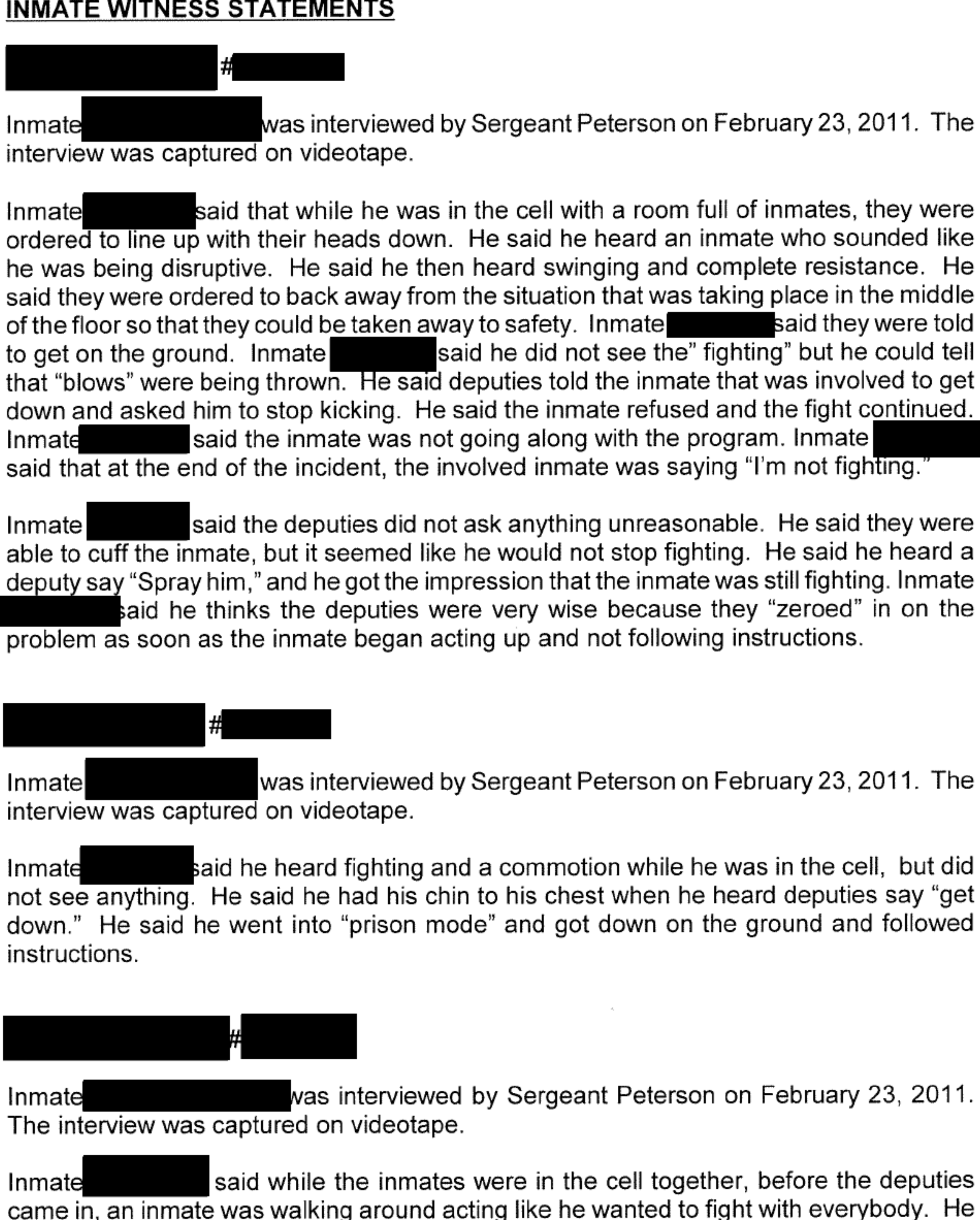
Deputy [redacted] said he sprayed Inmate Mencia with a two to three second burst of O.C. spray. He said the spray did not seem to have any effect. He said Inmate Mencia "Had a lot of fight in him," and was kicking and struggling. He said he sprayed another two to three second burst, at which point immediately after, the other deputies were able to handcuff Inmate Mencia. He said the deputies were able to carry Inmate Mencia out although he was still struggling and shouting profanities. Deputy [redacted] said that after the incident when he escorted the nurses to the isolation cell, it appeared that Inmate Mencia was under the influence of drugs and his pupils were dilated.

## SWORN WITNESS STATEMENTS

**PETERSON,** James #[redacted]

Sergeant James Peterson said he was the Sergeant on- duty at Inmate Reception Center, and was present at the time of the incident. He said he directed Deputy [redacted] to spray Inmate Mencia with O.C. spray because Deputies [redacted] and Ingersoll were struggling in an effort to place his hands behind his back.

**IAB Note: Refer to exhibit "E," force packet written by Sergeant Peterson for details of his observations.**



## INMATE WITNESS STATEMENTS

[redacted] #[redacted]

Inmate [redacted] was interviewed by Sergeant Peterson on February 23, 2011. The interview was captured on videotape.

Inmate [redacted] said that while he was in the cell with a room full of inmates, they were ordered to line up with their heads down. He said he heard an inmate who sounded like he was being disruptive. He said he then heard swinging and complete resistance. He said they were ordered to back away from the situation that was taking place in the middle of the floor so that they could be taken away to safety. Inmate [redacted] said they were told to get on the ground. Inmate [redacted] said he did not see the" fighting" but he could tell that "blows" were being thrown. He said deputies told the inmate that was involved to get down and asked him to stop kicking. He said the inmate refused and the fight continued. Inmate [redacted] said the inmate was not going along with the program. Inmate [redacted] said that at the end of the incident, the involved inmate was saying "I'm not fighting."

Inmate [redacted] said the deputies did not ask anything unreasonable. He said they were able to cuff the inmate, but it seemed like he would not stop fighting. He said he heard a deputy say "Spray him," and he got the impression that the inmate was still fighting. Inmate [redacted] said he thinks the deputies were very wise because they "zeroed" in on the problem as soon as the inmate began acting up and not following instructions.

[redacted] #[redacted]

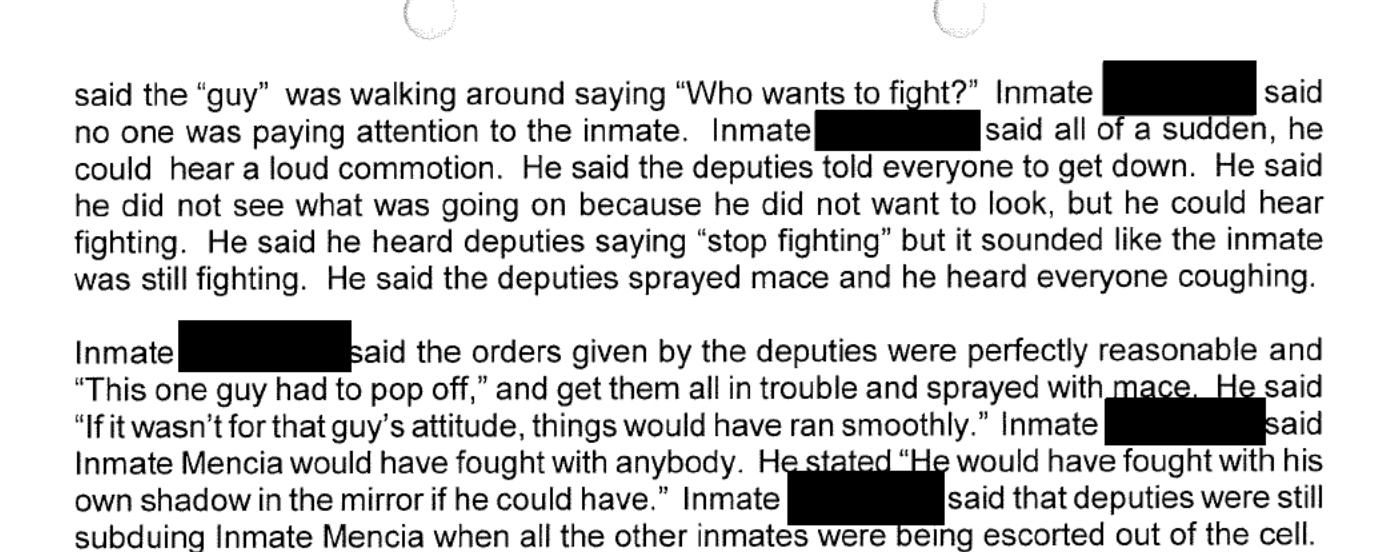
Inmate [redacted] was interviewed by Sergeant Peterson on February 23, 2011. The interview was captured on videotape.

Inmate [redacted] said he heard fighting and a commotion while he was in the cell, but did not see anything. He said he had his chin to his chest when he heard deputies say "get down." He said he went into "prison mode" and got down on the ground and followed instructions.

[redacted] #[redacted]

Inmate [redacted] was interviewed by Sergeant Peterson on February 23, 2011. The interview was captured on videotape.

Inmate [redacted] said while the inmates were in the cell together, before the deputies came in, an inmate was walking around acting like he wanted to fight with everybody. He



said the "guy" was walking around saying "Who wants to fight?" Inmate [redacted] said no one was paying attention to the inmate. Inmate [redacted] said all of a sudden, he could hear a loud commotion. He said the deputies told everyone to get down. He said he did not see what was going on because he did not want to look, but he could hear fighting. He said he heard deputies saying "stop fighting" but it sounded like the inmate was still fighting. He said the deputies sprayed mace and he heard everyone coughing.

Inmate [redacted] said the orders given by the deputies were perfectly reasonable and "This one guy had to pop off," and get them all in trouble and sprayed with mace. He said "If it wasn't for that guy's attitude, things would have ran smoothly." Inmate [redacted] said Inmate Mencia would have fought with anybody. He stated "He would have fought with his own shadow in the mirror if he could have." Inmate [redacted] said that deputies were still subduing Inmate Mencia when all the other inmates were being escorted out of the cell.

[redacted] #[redacted]

Inmate [redacted] was interviewed by Sergeant James Peterson on February 23, 2011. The interview was captured on videotape.

Inmate [redacted] said while waiting in the cell, one inmate that seemed like he was "Wacked out on drugs" was asking people if they wanted to box. He said when the deputies came in the cell, the inmate was standing next to him in line. He said the Inmate was not "scooting" up or following directions. He said one of the deputies made the inmate "scoot" up.

Inmate [redacted] said that "Later on," he did not see anything happen, but he heard a commotion. He said it sounded like bodies moving around struggling and deputies were saying "Stop moving around." He said he heard somebody say "Spray him," but he was out of the room at that point because he was first in line to be escorted out. Inmate [redacted] stated that he believed the same guy that was not following directions earlier was being stupid an not following instructions.

## SUSPECT STATEMENTS

**Mencia,** Cesar #2652415

Suspect Mencia was interviewed by Sergeant Peterson and Lieutenant Chavez on February 23, 2011. The interview was captured on videotape.

Suspect Mencia said he had been in a fight, but it was not with deputies. He said the fight was with people who kept kicking him while he was on the floor. He said he was telling them to stop, and he was struggling with them. He said these people were attacking him because he wanted to see his daughter, so he "Stood for what he believed in."

Suspect Mencia said he was being stubborn in the "room" and did not want to bow his head down. He said he was being disobedient in the "room" by not putting his head down. He said he got into the fight because he has a bad mouth and should not be "Talking like that." He stated he was "Just not scared of any of them." Suspect Mencia said he "Should not have been talking to the deputy like that." He stated "It doesn't really matter what I said to him because he's my brother, we grew up together, he's my best friend. It's not like I was shouting military slogans."

Suspect Mencia said that before the fight started, he was in the cell calling other inmates "Bitches" and asking them if they wanted to fight. He said when the fight ended, he won the fight and was able to see his daughter.

Suspect Mencia said he does not take prescription or illegal drugs. He said that he hears voices of people shouting and a lot of other extra things.

At the time of the interview, Suspect Mencia said he was not feeling any pain. He said when he was fighting, his whole body was hurting, and his tooth was bloody. He stated that his tooth was broken, and that it occurred as a result of the fight.